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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,232	07/14/2003	John F. Fetterolf	6235 - Fetterolf et al.	4409

7590 02/18/2010

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EXAMINER	
MCCARRY JR, ROBERT J	
ART UNIT	**PAPER NUMBER**
3617	

MAIL DATE	DELIVERY MODE
02/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/618,232	FETTEROLF ET AL.	
	Examiner	Art Unit	
	ROBERT J. MCCARRY JR	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on 11/19/09, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufhold (US 5,305,899) in view of Jones (US 2,709,527).

Kaufhold discloses a yoke for a railcar coupler comprised of a front wall, a back wall 132, and a top strap 122 and a bottom strap 126. The Examiner has interpreted the front wall to be the flat surface on the back of side walls 134, 138. This front wall is best shown in figure 10 as the vertical surface facing towards the back wall 132. Both the top and bottom straps 122, 126 extend from the front wall to the back wall 132. As previously stated the front wall has two side walls 134, 138 that extend vertically from the top strap 122 to the bottom strap 126. The front wall has a top and bottom section, each section having a convex shape extending laterally across the width of the straps. The top strap 122 and bottom strap 126 have a reduced width as they extend towards the back wall 132. The tapering of the straps is shown best in figure 5. The interior of the back wall 132 forms a bearing surface. The Examiner has read the back wall to be a bearing surface in that when two train cars are coupled and weight is put on the coupler assembly the back wall will bear a force from the assembly, thereby making the back wall a bearing surface. The back wall 132 also has indentations of reduced thickness at the point where the top strap 122 and bottom strap 126 meet the back wall 132. The indentations are best shown in figure 4 at the top and bottom corners where the straps meet the back wall 132. The top and bottom straps also have indented areas of reduced thickness. This indentation is shown in figure 5 at the corners of the yoke where the top strap joins the front and side walls. The front of the yoke has convex edges extending from the front and side walls and extending laterally between the two side walls, as shown in figure 4. The assembly is further comprised of a coupler follower arranged to fit within the yoke assembly. The coupler follower has a front face, rear face, top edge,

bottom edge and lightener openings 52 and a center support structure 66 shown in figure 4.

Kaufhold discloses the coupler yoke as described above. However, Kaufhold does not describe a center convex shaped section extending laterally across the width of the front wall. Jones discloses a sprung bumper for a railway vehicle comprised of a yoke having convex shaped top bottom and center sections extending laterally across the width of the bumper. It would have been obvious to one of ordinary skill in the art to have used a bumper, like that of Jones, as a teaching to show that convex sections, like that of Kaufhold, could be added midway along the front wall with the expected result of multiplying bearing parts so as to add structural durability to the yoke as well as increase the strength of the connection between the yoke and the attached coupler arm.

Regarding claim 4 drawn to the dimensions of the yoke. The claims recite that the width of the top strap bottom strap and back wall is about 8.25 inches. It is an obvious design choice to one of ordinary skill in the art to make the part a desired size so as to fit with various designs of different vehicles.

Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufhold (US 5,305,899) in view of Jones (US 2,709,527) and further in view of Barker et al (US 6,446,820).

Kaufhold discloses a yoke for a railcar coupler comprised of a front wall, a back wall 132, and a top strap 122 and a bottom strap 126. The Examiner has interpreted the front wall to be the flat surface on the back of side walls 134, 138. This front wall is best shown in figure 10 as the vertical surface facing towards the back wall 132. Both the top

and bottom straps 122, 126 extend from the front wall to the back wall 132. As previously stated the front wall has two side walls 134, 138 that extend vertically from the top strap 122 to the bottom strap 126. The front wall has a top and bottom section, each section having a convex shape extending laterally across the width of the straps. The top strap 122 and bottom strap 126 have a reduced width as they extend towards the back wall 132. The tapering of the straps is shown best in figure 5. The interior of the back wall 132 forms a bearing surface. The Examiner has read the back wall to be a bearing surface in that when two train cars are coupled and weight is put on the coupler assembly the back wall will bear a force from the assembly, thereby making the back wall a bearing surface. The back wall 132 also has indentations of reduced thickness at the point where the top strap 122 and bottom strap 126 meet the back wall 132. The indentations are best shown in figure 4 at the top and bottom corners where the straps meet the back wall 132. The top and bottom straps also have indented areas of reduced thickness. This indentation is shown in figure 5 at the corners of the yoke where the top strap joins the front and side walls. The front of the yoke has convex edges extending from the front and side walls and extending laterally between the two side walls, as shown in figure 4. The assembly is further comprised of a coupler follower arranged to fit within the yoke assembly. The coupler follower has a front face, rear face, top edge, bottom edge and lightener openings 52 and a center support structure 66 shown in figure 4.

Kaufhold discloses the coupler yoke as described above. However, Kaufhold does not describe a center convex shaped section extending laterally across the width

of the front wall. Jones discloses a sprung bumper for a railway vehicle comprised of a yoke having convex shaped top bottom and center sections extending laterally across the width of the bumper. It would have been obvious to one of ordinary skill in the art to have used a bumper, like that of Jones, as a teaching to show that convex sections, like that of Kaufhold, could be added midway along the front wall with the expected result of multiplying bearing parts so as to add structural durability to the yoke as well as increase the strength of the connection between the yoke and the attached coupler arm.

The combination of Kaufhold and Jones shows a draft assembly as discussed above, however Kaufhold does not show a second coupler follower or a resilient draft gear mounted between the coupler followers. Barker et al discloses a draft gear of resilient material and plates mounted between two coupler followers, shown best in figures 5 and 6. It would have been obvious to one of ordinary skill in the art to have applied a resilient draft gear, like that of Barker et al, to a yoke assembly, like that of Kaufhold, in order to supply more shock absorption to the yo0ke assembly as a whole so that it may hold up with heavier railcars. It also would have been obvious to one of ordinary skill I the art to apply a second coupler follower like that of Barker et al, to a yoke assembly, like that of Kaufhold, so as to apply more support to the draft gear when it is compressed and extended under the weight of a railcar.

Regarding claim 8 drawn to the dimensions of the yoke. The claims recite that the width of the top strap bottom strap and back wall is about 8.25 inches. It is an obvious design choice to one of ordinary skill in the art to make the part a desired size so as to fit with various designs of different vehicles.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. MCCARRY JR whose telephone number is (571)272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit

/R. J. McCarry Jr./
Examiner, Art Unit 3617

RJM
February 12, 2010